

MINUTES
URBAN COUNTY PLANNING COMMISSION
COMPREHENSIVE PLAN IMPLEMENTATION PUBLIC HEARING

FEBRUARY 20, 2014

- I. **Call To Order** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Carla Blanton; Mike Cravens; David Drake; Karen Mundy; Carolyn Plumlee and Bill Wilson. William Berkley; Patrick Brewer and Frank Penn were absent.

Planning staff members present - Chris King, Director; Jim Duncan; Chris Taylor; Janice Westlund; Cindy Deitz; Laurie Jackson; Pam Whitaker; Barbara Rackers; Tom Martin; Jim Marx, Bill Sallee and Traci Wade. Other staff members in attendance were: Tracy Jones, Department of Law.

- II. **Implementation - Chapter 8** – The Planning Commission took public comment and considered adopting the proposed Implementation Chapter for the 2013 Comprehensive Plan. The Implementation Chapter describes projects, plans, and other tasks that will carry out the 2013 Plan. The 2013 Comprehensive Plan was adopted on November 14, 2013.

Chairperson Mike Owens welcomed everyone to the meeting.

Jim Duncan - We are here for what we believe will be the final action on the 2013 Comprehensive Plan: to consider and to adopt the Implementation Chapter of the Plan which is a list of tasks and projects that will put the Plan into action. The purpose of this public hearing is to take public comment on the record on the proposed Implementation chapter. To facilitate that there is a sign-in sheet in back for members of the public who want to speak. After the public comment and discussion, the Planning Commission can consider adopting the Implementation Chapter as an amendment to the Comprehensive Plan. For the record, we did receive three email comments about the Implementation, which were forwarded to the Planning Commission as they were received. One of them was from Fayette Alliance and two were citizen's comments, one from Mr. Ed Cummins and one from Ms. Helen Morrison. Copies of those were made available to Laurie and will be made part of the public record from this meeting.

The Planning Commission adopted the 2013 Comprehensive Plan on November 14. The Plan addresses all the statutory elements required for a Comprehensive Plan plus other issues in response to citizens and community interests and needs. At that time we committed to the Planning Commission to bring back a list of implementation tasks that would put the Plan into action. A draft of the Implementation Chapter was presented to the Planning Commission at the work session on January 23rd. At the work session the significance of identifying tasks for the Plan was discussed and how the proposed tasks are directly related or identified in the Comprehensive Plan either through the goals and objectives or the other elements.

Implementation for comprehensive planning is a number of things. It is at once a roadmap for working the plan, it provides a guide for projects that we want to accomplish now and into the near term. It is also an important resource for budgeting. Once the Planning Commission adopts the Implementation Chapter it conveys to the Council and the community that these are priority projects and they are an outcome of the public process. The list of projects is ambitious, they touch on nearly every aspect of planning- land use, transportation, economic development, environmental and development planning. But the tasks are not necessarily exhaustive nor are they etched in stone. The narrative of the Implementation Chapter gives us the flexibility to prioritize and add additional projects, as was done in the 2007 Plan when the Red Mile small area plan was added and the current 4th Street zoning study. Both of those were not identified in the last Comprehensive Plan but could be directly related to the goals and objectives. The Implementation Chapter also gives us the opportunity to move on from a project if we see that we don't need to pursue it or even if once into it we see that progress is not being made, as with the North Nicholasville Road small area plan. So it is a flexible chapter but it is a good roadmap for where we want to go. All the tasks are subject to the availability of financial and staff resources. Following the adoption of the Implementation Chapter we will incorporate the chapter fully into the 2013 Plan both online and any other source. Then we will begin to work immediately to implement the plan.

Janice Westlund- This public hearing is required by statute for us to add the Implementation Chapter to our Comprehensive Plan. KRS 100 requires that we notify all the surrounding counties' planning commissions, and if no commission then the Chief Executive Officer of those cities. This was sent on January 29, 2014. As we do for our Comprehensive Plans and small area plans, we sent out emails regarding this meeting to our over 1,000 email master list. Finally, we placed a legal ad in the Lexington Herald Leader on February 11, 2014 to announce public notice for this hearing.

Chris Taylor- We do have a notice requirement for any time we want to amend the Comprehensive Plan but it is important to note that the Implementation Chapter is not a required statutory element of the Comprehensive Plan. The elements that are required by statute have already been adopted. All the tasks in the handouts are discussed throughout

the plan; there is nothing in there that has not been discussed in the public process at the Planning Commission meetings and in the public meetings. Each item in the table is referenced back to its applicable goals and objectives. So it is very clear where in the Comprehensive Plan we are pulling these projects from. It is important to note that while there are numbers next to all the projects, the number is not indicative and ordered by any sort of priority at this point and time. The way it is laid out does not indicate the staff's preference in order of doing these projects. Even to some degree, the fiscal year notices are more of a statement about staff's availability and time constraints in completing the tasks. These projects will be undertaken based on priority and staff availability. Some of the projects are oriented around preparation for the next Comprehensive Plan. The fiscal year estimations are our best attempt at predicting the reasonable time frame for completing these tasks. We do expect new tasks will be added and some will morph into something else.

A few of the highlighted projects include: 3 small area plans for the Gainesway/ Centre Parkway/Tates Creek area, Cardinal Valley/Oxford Circle and the Winburn area; create a Green Infrastructure Master Plan; develop guidelines and incentives for creating great neighborhoods; study economic development land issue in the Expansion Area; update the housing market study; conduct a community poverty analysis; convene a financial and neighborhood development summit; update the Rural Land Management Plan, and evaluate the rural activity centers. There are also a handful of base studies that will continue to inform the next comprehensive plan; continued monitoring water quality improvements through the CAP, tracking our vacant land. We have new computer systems coming online in the next year that will make it simpler to track in real time development as well as what's vacant and what is being developed. We want to take a look at streamlining some of our review and permitting processes where multiple Boards and Commissions are involved. What that means to the Planning Commission is looking at expanding staff review for final record plats and minor development plans. That could streamline Planning Commission meetings as well as the development process.

Mike Owens- When the Comprehensive Plan was adopted in November, Jim Duncan and his staff were challenged by the Planning Commission to bring the Implementation Chapter back as quickly as possible. He commended everyone for working on that and staying to the task to get that done.

Ken Sagan- He introduced himself as the 2014 Chairman for Commerce Lexington and also a partner at Stites & Harbison law firm. With him was Gina Greathouse, the head of economic development for Commerce Lexington. They are here today to stress the importance of expediting the part of the Implementation plan relating to the identification of acreage for economic development. Commerce Lexington recently sold the last 20 acres in its business park. So Commerce Lexington currently has no economic development land available for businesses that wish to locate, re-locate or expand in our community. They know from experience that businesses who want to locate, re-locate or expand here are very much interested in land that is ready to go for their needs. At the present time without a sufficient amount of that land in this area they are hamstrung if an opportunity comes along. They are here to ask for that part of the Implementation to be emphasized and to move forward on that on an expedited basis.

Mike Owens- We do have economic development land out there; it might not be shovel ready. Will Berkley who is on the Planning Commission has had some discussions with him and Chris King about a stakeholders meeting to try and look at that. Commerce Lexington is welcome to the table on that; it's listed as one of the studies to be done. It does say 2014/2015 so we are in that mode now.

Carolyn Plumlee- She referenced a letter from Ms. Morrison from the Mitchell Avenue neighborhood. The gist of her letter, which was well written, was we are so objective that we cannot be subjective when we are addressing neighborhood zone changes. Is there anything in Implementation where they can be more subjective as a Commission or are they constantly bound to do what is legally defensible?

Jim Duncan- What has been suggested through Implementation is a number of things. Our great neighborhoods by design guidelines and incentives is in direct response in trying to maximize the vacant land within the urban service area and our infill and redevelopment opportunities, while still ensuring we are protecting and enabling our neighborhoods to thrive. As we get into that process that may identify some other opportunities that the government and the neighborhoods can do to help themselves. The neighborhood planning assistance program that is being proposed will be an outcome of design excellence; it would also dovetail into the great neighborhoods project. We also suggested that we look at our regulations and our zoning ordinance. Should more authority be given to staff to review some of these things? Some of those kinds of design issues may come out in that process as well. We want to make sure we do right by our neighborhoods, as they transition, as areas around them redevelop, so we still protect and preserve our neighborhoods.

Mike Owens- Asked Mr. Duncan if he add anything to add to Mr. Sagan's desires on economic development land.

Jim Duncan- We would want this to be a collaborative effort working with Commerce Lexington, Urban County Government economic development leaders, and others in the community who have knowledge and can add to this. We

are talking specifically about the economic development land in the expansion area and looking at the issues related to that and why that has not developed. He believes we can look at the number of jobs-related issues and jobs land issues and try to offer solutions.

Carla Blanton- She is on the board of Commerce Lexington. If they can't get jobs then we aren't going to have the funding to be able to do any of the other things. They need to get the tax revenues in and get people working in order to fund all the other things that are on the Implementation list.

Amy Clark- She lives at 628 Kastle Road. She had taken a lot of time to prepare briefer remarks than is her habit. When the Planning Commission met on October 31, 2013 to consider the Comprehensive Plan and November 14 to approve it the Commission expressed three principal concerns. The first two were closely related: how were you to render consistent and fair decisions on zone map amendments and associated land use issues when the land use element had been stripped of the land use map? The map had been part of the Plan for decades. Second, was it wise to approve to the Comprehensive Plan in whole while it was yet lacking its Implementation Chapter? Staff responded with a promise to prepare and present to the Planning Commission an Implementation Chapter and here it is before you; a chapter to be considered an amendment and an addition to the Comprehensive Plan. It offers 48 plans, projects and studies and she has no doubt it will serve as a good basis for requesting budget allocations to get that needed work completed. Staff also offered to prepare a synopsis of criteria for the Commission to employ in making land use decisions, zone map amendments in particular without the guidance of the former land use map. She asks that the Planning Commission keeps before them the urgency of that further amendment in addition to the Plan, the one that is to render its land use element complete, usable, and up-to-date. This amendment should first restore the land use map, dispensed with in November. Second, it should make the promised synopsis of principles and criteria to guide land use decisions to the greatest public benefit. Third, it should mandate that these criteria be employed at once to update the land use map in the face of our constrained growth situation in an ongoing project of the highest priority. She agrees we can have fresh principles, we can do better than what we have done in the past with land use because we have a constrained growth environment but she is saying use those principles to update the map because we need the comprehensive land use map. Throwing out the land use map did not render the land use element up to date; only improving the map will. In our constrained growth situation, that precious 12% of land left to develop within the urban services boundary, only a map can direct that density and intensity to the locations that need it. A map with flexibility offered to the developer will likely encourage him to buy low and build high in those areas of this city where his investment is best protected and his gain already assured: along Nicholasville Road, Tates Creek, Richmond Road, Harrodsburg Road the usual places. He will buy single-family and professional lots for highway hotels, big box retail establishments and luxury condos, hiring a land use lawyer as a Rumpelstiltskin to spin his straw into gold making that zone change. Only a map can say you may build that use or structure here and not there. Only a map can direct desired uses in form to particular locations and forbid them in the places they should not be. It needs to be a land use map and a comprehensive one. There are indeed specialized maps in the present plan. The map of vacant land included in the Comprehensive Plan, sad to say, is so deficient it does not locate these parcels on streets with names. It cannot be magnified to enhance details; you zoom it up and you get big blobby indeterminate patches. As a document to guide land use decisions it is unusable; it is unusable for anyone of the public who wants to comment that it is as it should be or that it needs fixing. Likewise the map of historic districts shows existing overlays to the local H-1s; probably superfluous to the overlays that are already recorded in the official zone map. It shows boundaries for nationally registered districts without effect. National Register districts that are nowhere supported and protected by language governing their use or preventing their abuse in the text or objectives in the Comprehensive Plan.

Of course real planning is planning ahead. Let's not take the road to the future without a map. Planning cannot best take place on the eve of a proposed zone change or development plan. Real planning preserves our traditions and investment while adapting them to face what is to come. Updating the map is planning ahead. Kentucky law asks that the Comp Plan be updated every five years. It asks that it contains a land use element that proposes the most appropriate future uses giving certain predictability to the planning, zoning and development process and its outcome. She thinks this is what the Planning Commission was concerned about in their questions when it was said how are we to render fair, consistent, predictable decisions on zone changes and land use issues without being able to check the map that lays out that prospect of how we want to use our land in the time to come? Kentucky law also asks that the Plan be research-based. Nowhere does she find in the Plan the research basis for the claim on page 13 that the creativity and flexibility to be found in a mapless land use element will be efficacious in guiding land use decisions to the greatest public benefit in our constrained growth environment. There is ample evidence that the Planning Commission regards the former map as out of date, out of touch with reality. Time after time in the past year the Commission has approved map amendments not in accordance with the Comprehensive Plan. One can look at the history of this body and the decisions they have made and see that there are a significant number of map amendments accepted on the basis that the Plan is out of date and this zoning proposed is better and appropriate.

Several of the Commission had a third concern in considering the Comprehensive Plan for approval, the small area plans. The proposed small area plans are for time consuming, costly projects each targeting a defined portion of the

larger urban county. Would they be effective in proportion to the resources they claimed? Which small area plans should receive the priority? Was it right for private financing to have an influence in their development? How and to what degree should the Planning Staff and Commission support similar privately funded projects, call them enhanced developments plans, with public resources and consideration? She is sorry to say she has little confidence in the small area plans. She wanted to remind the Commission that the North Nicholasville Road small area plan was abandoned and what she heard was the process was discontinued because the stake holders could not agree. This is where we need the leadership of Planning, the advice and guidance of planning staff to bring about a coherent plan. Her perception is that the citizens and homeowners in the Central Baptist area were not well served and continued to struggle on their own to reach a reasonable accord.

In closing she wanted to remind that the homes and gardens comprise two-thirds of the assessed value of all the real property in Fayette County. All commercial property and multi-family housing taken together doesn't rise to half that amount. She omits consideration of our valuable farm land because it is assessed after a different manner; doesn't think you can compare it, but it is surely valuable. In amending a Comprehensive Plan for our urban county today, please be mindful of the many homeowners of Lexington-Fayette and the sovereign body of citizens whom the Planning Commission is appointed to serve. She thanked the Commission for their service to Lexington-Fayette and the citizens today.

Mike Owens- Thanked everyone for coming and their comments. Each piece of land that is in Lexington-Fayette County still has a zone on it. Just because the land use map may come down, we still have guidelines to go by. He thinks that those guidelines will be followed. We have gotten into the situation where we look at infill and re-development; we look at flexibility a little more. We have eleven free independent thinkers sitting on the Planning Commission and he doesn't think they are here because it is what they get paid for. Each one is here to do what we think is best for Lexington-Fayette County.

- III. **Motion**- A motion was made by Ms. Mundy, seconded by Mr. Wilson and carried unanimously to adopt the Implementation- Chapter as an amendment to the 2013 Comprehensive Plan. A copy of the Resolution adopting the Implementation Chapter is attached.
- IV. **Adjournment** – There being no further business, a motion was made to adjourn the meeting at 2:15 p.m.

Mike Owens, Chair

Carla Blanton, Secretary